

Appl. No. 09/450,023
Response to Office Action of May 18, 2006
Amdt. Dated October 3, 2006

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REMARKS

Applicant hereby submits this Request for Continued Examination so that the Examiner may consider the alternate claims as modified herein. Applicant also thanks the Examiner for the courtesy of the telephone interview during which the undersigned had an opportunity to discuss the subject matter of the present invention and the differences between the invention and the cited art. Consistent with that discussion and for the purpose of highlighting the distinctions over the prior art, Applicant has now modified the claims to specify that each buyer using the system identifies a plurality of vendors for inclusion in a pool of vendors. Each and every vendor pool is associated with a corresponding buyer based upon the buyer identification prior to analysis of any job data pertaining to a job for which bids are sought by or on behalf of the buyer.

For the sake of clarification, Applicant notes that the present amendment modifies the claims previously submitted on February 28, 2006. The undersigned understands that the amendment submitted during August of 2006 has not been entered by the Examiner. As noted above, Applicant has submitted this Request for Continued Examination so that the newly modified claims may now be entered.

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. sections 102 and 103. Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants presently claimed invention. More specifically, Applicant notes that although the newly cited Walker reference describes a system for purchasing expert services,

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it is actually significantly different than the presently claimed invention and provides no teaching or suggestion whatsoever regarding the advantageous use of vendor pools which are defined by and associated with individual buyers of customized goods and/or services.

As noted during the telephone interview, all of the prior art references cited by the Examiner immediately rely upon the use of some information associated with a job for which a bid or request for proposal is sought for the purpose of defining or identifying one or more vendors which are to receive a request for proposal or bid. For example, such job characteristics as geographic information or certain technical requirements are initially utilized in each of the prior art systems for defining a vendor base that meets certain minimum criteria associated with a particular job that is to be purchased by a buyer. For example, the subject matter of the newly asserted Walker reference merely describes a system wherein a purchaser of expert services is able to selectively identify experts having generally similar or apparently desired qualifications based on conventional automated searching techniques such as those that rely upon key word searching and the like.

Actually, neither the newly cited Walker reference nor any other reference of record indicates how a vendor pool could be defined by and associated with a specific buyer as described and claimed in the instant application. In contrast with the prior art, as now clearly specified in the independent claim, each buyer utilizing the system is responsible for identifying vendors for inclusion in a vendor pool whose records will be compared automatically with job data for determining those vendors who are fundamentally qualified for receiving a request for proposal or bid. In accordance with the presently claimed

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invention, the buyer associated with each vendor pool determines whether certain vendors will become or remain members of the vendor pool before comparing any vendor records with any characteristics of the desired job data.

The use of buyer defined vendor pools provides a significant advantage for buyers because the request for proposal is not transmitted into an unknown universe of potential candidates or vendors. The inventor of the instant application has discovered that significant efficiencies can be achieved by pre-qualifying vendors based on buyer provided information. By relying upon the buyer defined vendor pools, buyers are able to easily recognize and rely upon the results provided by the automated comparison and bidding process. Buyers are not confronted with decisions after the automated comparison has been made as to whether or not a vendor is capable of satisfactorily providing the desired goods or services. In using the claimed method, each buyer knows that the results of the automated searching will be acceptable because the buyer has independently determined the suitability of vendors for inclusion into the buyer defined vendor pool.

In accordance with the presently claimed invention, it is only after the vendor pools have been defined that the buyer job data or characteristics are compared with the defined vendor pool. Neither the Walker reference nor any of the remaining references of record describe or suggest a system wherein the buyer of customized goods and/or services has its own corresponding vendor pool associated therewith which is subsequently automatically tested for determining whether the vendors are qualified for providing a particular product or service.

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Independent claim 1 has been amended and claims 25 and 26 have been canceled. Applicant respectfully submits that the modified claim as set forth herein is clearly patentably distinct over the prior art references cited by the Examiner. Claim 1 specifies that the buyer makes an initial determination as to whether certain vendors will be in the vendor pool associated with the buyer before the automatic comparison of vendor records and job data is conducted. In light of the foregoing, Applicant respectfully submits the claim 1 is allowable over the cited prior art references of record at the very least because there is no teaching or suggestion in the prior whatsoever concerning an exclusive association between a buyer and a corresponding vendor pool for the subsequent automatic comparison between actual job specifications with vendor capabilities.

Respectfully submitted,

Date:

10/3/06

(Reg. #37,607)

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